

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

JOSEPH H. MARRAS, SR. and
MARRAS MUSIC CO., LLC,

Plaintiffs,

v.

CITY OF LIVONIA and
GERALD RAYCRAFT,

Defendants.

Civil No. 07-12562

Hon. Lawrence P. Zatkoff

**ORDER DENYING DEFENDANT CITY OF LIVONIA'S
MOTION FOR RECONSIDERATION**

This matter comes before the Court on Defendant City of Livonia's Motion for Reconsideration, filed on April 11, 2008 (dkt 30). Defendant challenges the Court's March 28, 2008, Opinion and Order denying Defendant's Motion for Partial Summary Judgment. Pursuant to E.D. Mich. L.R. 7.1(g)(2), no response is permitted.

Local Rule 7.1(g)(3) governs motions for reconsideration, stating that "the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication." E.D. Mich. L.R. 7.1(g)(3). The same subsection further states, "the movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case." *Id.*

Defendant alleges that this Court committed a palpable defect by holding "that Plaintiffs have standing to bring a facial challenge against the entire ordinance." Although Defendant did not argue the standing issue in either of its briefs in support of its Motion for Partial Summary

Judgment, the Court addressed Plaintiffs' standing briefly on its own initiative, holding that "[b]ecause the Court is not convinced that the Ordinance is content neutral . . . the Court cannot declare that Plaintiffs lack standing to bring a facial challenge against the Ordinance." Thus, the Court finds that Defendant's present Motion for Reconsideration "merely present[s] the same issues ruled upon by the court, either expressly or by reasonable implication." *Id.* Therefore, Defendant's Motion for Reconsideration is HEREBY DENIED.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: April 18, 2008

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on April 18, 2008.

s/Marie E. Verlinde
Case Manager
(810) 984-3290